AN ANALYTICAL STUDY OF LEGAL FRAMEWORK FOR COMMUNITY FOREST RIGHTS WITH SPECIAL REFERENCE TO THE ORAN CONSERVATION AND ORAN FOREST DEPENDENT COMMUNITY IN RAJASTHAN

Synopsis of the Research Proposal

Submitted for the Registration in the

Ph.D. Program (Part-time) in Law

By

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Under Supervision of

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ICFAI Law School

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Abstract

Sacred groves, locally known as Oran, form an integral part of Rajasthan's cultural, ecological, and religious landscape. These community-served areas are traditionally protected by local communities for their ecological services and spiritual significance. Oran not only serve as habitats for biodiversity, including endemic flora and fauna, but also provide crucial ecosystem services such as water conservation, soil fertility, and food resources for pastoralist communities. Despite their importance, Oran have come under increasing pressure from land acquisition, urbanization, mining, renewable energy projects, and weak enforcement of conservation laws. This situation has raised critical questions about the adequacy of legal frameworks, the protection of community rights, and the role of judicial interventions in safeguarding these ecologically fragile yet culturally significant landscapes.

The proposed research aims to critically examine the legal framework and judicial decisions concerning to Oran conservation in Rajasthan, and to analyze their effectiveness in protecting community rights and ecological sustainability. the study will adopt a doctrinal approach by evaluating constitutional provisions, statutory instruments such s the Forest Rights Act, 2006, the Indian Forest Act 1927, the Wild Life Protection Act 1972, the EPA 1986, State local laws, notifications, and relevant government policies. It will also undertake a critical review of judicial pronouncements by the higher courts of the country and the Rajasthan High Court, where issues of community conservation, customary rights, and land use conflicts have been addressed.

Complementing this legal analysis, the research will employ an empirical study in selected districts of Rajasthan where Oran are under threat. Through surveys, interviews and focus group discussions, the perceptions and lived experiences of local communities, Panchayati Raj institutions, forest officials, and civil society actors will be documented. This dual approach will enable a comprehensive understanding of how the formal legal framework interacts with customary practices and community led governance in the conservation of Oran.

The study is guided by key research questions that the researcher aimed to answer in the present study. How effectively do the existing laws and policies recognize and protect community rights over Oran. What gaps and conflicts exist between statutory laws and customary practices?

The findings are expected to make a significant contribution to the fields of environmental law, community rights, and conservation policy.

This study seeks to bridge the gap between land and practice in the conservation of Oran in Rajasthan. By critically examining legal norms, judicial decisions, and ground realities, the study will provide holistic insights into how community rights can be harmonized with ecological conservation imperatives, thereby contributing to sustainable development and cultural preservation in Rajasthan.

Key Words: Oran, Forest, Rights, Protection, Legal Framework, Ambiguities, Rajasthan

Title:

"An Analytical Study of Legal Framework for Community Forest Rights with Special Reference to the Oran Conservation and Oran Forest Dependent Community in Rajasthan"

1. Introduction

Forest in India is a significant natural resource. Since pre-independence India, conservation of forests has been a priority of governments. Various laws and policies are in existence aimed at conserving forests. Also, large segments of the population are dependent on the forest to earn their livelihood. The forests are not only a source of livelihood to various communities but also have environmental significance. They have been the habitat of wild animals, birds, and a source of income for forest-dependent communities such as scheduled tribes, nomads, and forest dwellers. After the independence of India, the central and state governments have passed various laws to conserve forests and wildlife. The Constitution of India has imposed duties on governments to protect and conserve forests, wildlife, rivers, and lakes. Parts three, four, and IVA have several provisions guaranteeing protection to the forest. The forests are worshiped by various communities.

The community residing in and around the forest is dependent on the forest. Communities collect forest produce like bamboo, medicinal plants, and fodder from the forest to sustain their livelihood. The herder uses the forest to graze their livestock. Water streams, small rivers, and ponds provide water to wild animals and humans residing in them. Various patches in the forest are maintained and managed by the community.

2. Review of Literature

Aman Singh and Pratibha Sisodia(2025), in their study explain how Oran are linked with the protection of biodiversity. The study mentions that Oran offers natural wealth like fodder, fuel, timber, berries, roots, and herbs. The study further reveals that a total of 72 species belong to different families and genera. About 27 types of groves are on the verge of extinction.

Sukriti Vats (2024) mentions the amendments made to the forest conservation rules of 2023 in her study. The study states that the amendments in the Rules can affect the protection given to Oran. The area has been treated as a deemed forest under the rules. This step will restrict communities' access to traditional grazing lands.

Shuchita Jha (2022), in her study, explains the adverse impacts of energy renewable plants on the environment and Oran. The study focuses that owing to incorrect entries of oran in revenue records, Oran are declining. Also, the study reveals that Oran was registered as a farmland, hence the power company cannot encroach on the land for undertaking projects. The study highlighted that the Apex Court in 2018 declared the Oran Forest as a deemed forest.

Shalabh Kumar and Monali Sen(2022), in their study mentioned how the Convention on Biological Diversity recognizes the importance of areas outside protected areas. The study reveals how Oran could be preserved and managed. The study mentions that Oran serve as a reserve for grazing, forest products, water infiltration, and as a coping mechanism for climate change in arid regions.

Rishika Pardikar(2021) in her study mentions that land (Oran) owned by the community is the main source of livelihood for locals; however government is allotting Oran land to powerful companies, which results in the denial of access to the forest. The study mainly revolves around Oran and allotment of Oran for Solar firms in Rajasthan. It emphasized the encroachment of the Oran land by companies.

Yan Sun, Esther Mwangi at. el. (2012) in their study discuss property rights and entry to forest products in the context of women. The study analyses how women's participation in forest

management-related decisions is vital to preserving the forest. The study mentions forest governance and recognizes women's voices in policy and forest reform processes.

Ursula Munster and Suma Vishnudas(2012), in their study explain the implementation of the Forest Rights Act of 2006. The focus of the study was on redistributing land to landless Adivasi. The study reveals that the Act is not the right means to bring Adivasi redistributive justice. The study concluded that the Act failed to make an impact in the specific historical and legal environment of the regions. The study is limited to the State of Kerala.

Oran R. Young (2011), in his study, examined the consequences of common property, private property, and public property resources. The study mainly explains the arrangements between human beings and the environment.

Aman Singh(2006) in his study mainly emphasizes on pastoralist community's view on Oran and their importance for livestock. The study mentioned that Oran are useful to preserve water resources and provide grazing ground for the livestock. Also, the study emphasizes the management of Oran as part of the ecosystem.

Edith Brown Weiss (1990) in his study "Our Rights and Obligations to Future Generations for the Environment" mainly emphasizes on responsibilities of the present generations to conserve the environment and forests for future generations.

3. Research Gaps

I. The existing studies do not comprehensively discuss the importance of Oran forests from the community rights perspective of the forest-dependent community in India.
II. There is no evidence-based study conducted on Oran and rights of Oran dependent communities in the State of Rajasthan
III. The previous studies do not make a comparative analysis of the Oran-related legal framework of India with foreign countries
IV. The previous studies on the research problem do not discuss comprehensively the role of the higher judiciary in addressing concerns raised in the context of the Oran forest and rights of the Oran dependent communities.

4. Statement of the Research Problem

Oran in the State of Rajasthan are under increasing threat in the absence of clear legal protection. There are multiple national, state laws, and policies that regulate the rights of communities

residing near forests or in the forest. Due to plural legal complexities, ambiguities, and uncertainties in provisions of forest and environmental laws, the forest, conservation and protection of community rights have become a daunting task. The frequent diversion of forest land to non-forest purposes in Rajasthan, in the context of the Oran forest, has emerged as a new problem.

The jurisdictional conflicts between the revenue and forest departments over the protection of Oran have further aggravated the issue of the protection of Oran. Communities residing near Oran are often overlooked in legal and policy frameworks, raising concerns of protection of collective community rights like the right to collect forest produce, water, fodder, and medicinal plants from them. There is an urgent need to analyze how legal complexities, policy gaps and the government's stance are adversely affecting Oran and the rights of the communities that depend on them. The people residing near Oran collect different forest produce like fodder, leaves, medicinal plants, and herbs from forest and sell them in the market to earn their livelihood. Also various water bodies and resources in Oran support biodiversity and meet out water needs of the nearby people. In Rajasthan, customary laws recognize the importance of Oran but owing to several vague terms used in laws, Oran under customary laws are not adequately protected. Statutory laws passed by the State governments of Rajasthan have been ineffective in protecting the Oran forest and community rights. The Supreme Court of India has declared Oran as a deemed forest but the interpretation was not welcomed by locals as they see this interpretation as against their rights. Diversion of the Oran forest land for non-forest purposes is having adverse impacts on the rights of the community dependent on the forest.

5. Significance of the Study

I. The study will offer policy recommendations to improve and strengthen forest governance and laws governing Oran and community rights.

II. Since the study is empirical, it also offers evidence-based suggestions relating Oran forest and communities' rights protection.

III. The study findings will be useful to encourage governments to preserve traditional knowledge, culture, customs, usage, and ecological significance

IV. The study will be useful to other disciplines like the environment, history, and anthropology.

6. Research Objectives

I. To document and assess the historical, spiritual, cultural, religious, and ecological significance of the Oran.
II. To identify and analyze legal complexities and inconsistencies in the existing legal framework on Oran and to the protection of the rights of Oran forest-dependent communities.
III. To analyze judicial response concerning protection of forest rights with special emphasis on the Oran forest and rights of the Oran forest-dependent community.
IV. To compare Rajasthan's status of legal protection of Oran with other States to ascertain best practices in use to protect Oran and the rights of Oran forest-dependent communities.
V. To empirically investigate and analyze the perceived threats, challenges to the conservation and protection of the rights of the Oran forest-dependent community in Rajasthan.
VI. To suggest measures and policy reforms for the better protection, sustainable conservation, and management of Oran and the protection of the rights of Oran forest dependent communities in Rajasthan.

7. Research Questions

I. How far are Oran significant from a historical, spiritual, cultural, religious, and environmental perspective?
II. How are the Oran Forest and the rights of the Oran Forest dependent community protected in Rajasthan?
III. Are existing legal frameworks on the Oran forest inadequate, complex, and inconsistent in terms of protecting the Oran forest and the rights of the Oran forest-dependent community?
IV. How have Indian courts construed the legal protection to Oran conservation, management, and community rights over Oran?
V. Whether laws on the Oran forest and rights of the forest-dependent community in Rajasthan are aligned with the best Oran protection laws of other States in India.
VI. What do local communities and other stakeholders perceive about Oran conservation, management, and protection of the rights of the Oran forest-dependent community?

8. Research Hypotheses

H1: The existing legal frameworks to conserve and manage the Oran and protect the rights of the Oran forest-dependent community are complex, inconsistent, and inadequate

H2: Complexities and Inconsistencies in the legal framework on Oran are responsible for weak Oran conservation and management, and denial of rights to the Oran-dependent communities in Rajasthan

H3: Local communities perceive that the Oran forest and associated rights with Oran are not adequately protected in Rajasthan.

9. Research Methodology

- **Research Design:**

The present study will adopt a mixed-method approach. The study will adopt analytical, comparative, qualitative, and quantitative research methods to analyze the problems associated with Oran conservation and management. An Analytical and Comparative research method will focus on analyzing legal documents (statutes, court decisions, policies, and regulations) and comparing different legal provisions of different States on Oran protection. The analytical and comparative research will also aim to identify the potential inconsistencies and complexities within the legal framework. The quantitative and qualitative research methods will also be used to gain insights into the challenges and threats to Oran Conservation and community rights.

- **Sources of Data:**

Primary Legal Sources: The primary legal sources will include the Constitution, case laws, Statutes, codes, treaties, rules and regulations etc. In addition, the data collected through questionnaires, surveys, interviews, and RTI will also be used to gain primary data on the problem at hand.

Secondary Legal Sources: To complete the theoretical or doctrinal part of the study, the secondary legal resources like law books, legal dictionaries, law digest, law reviews, law journals, manuals and guides, and online databases like Manupatra, SC online, Hein Online, and J-Store etc, will be relied upon.

- **Universe of the Study**

Universe:

The local and Oran forest-dependent communities in three districts of Rajasthan viz. Jaisalmer, Barmer, Pali, and institutional stakeholders linked with ownership, use, management, conservation, and legal regulation of Oran lands(government, revenue officials, forest officials,

temple trusts or caretakers etc) in selected districts of Rajasthan will constitute the Universe of the study.

- **Sample Technique:**

A purposive sampling method will be applied in the present study to ensure that respondents are directly relevant to the study**.** The forest-dependent communities residing near Oran or over Oran land will be included in the study to record their responses related to challenges and threats that they perceive to Oran conservation, management, and to protect the rights of Oran-dependent communities.

- **Sample Size:**

The respondents will be divided into two categories. In the first category, 300 respondents (families dependent on the Oran forest), selecting 100 from each district, will be interviewed through a questionnaire for the study. The eldest male or female member in the family will be the unit of information. Under the second category of respondents, 150 officials from the revenue department (concerned with land classification and records), the forest department (both state and district level), and religious functionaries of temples, shrines, representatives of NGOs, and environmental officers or personnel from local biodiversity boards will be included. They will be interviewed. Thus, in total, 450 respondents from both categories mentioned above will be selected to record responses on Oran and Oran-related rights from the study area.

- **Research Tools:**

The data for the qualitative and quantitative analysis will be collected from survey areas through questionnaires, the use of RTI, interviews, and observation methods to understand how laws and policies for the protection of Oran are applied in practice and to identify patterns or trends in legal outcomes. By combining all the above research designs and methods, researchers will gain a holistic view of the law, encompassing both its theoretical underpinnings and its practical effects.

- **Pilot Study:**

To ensure the validity and reliability of the questionnaire, it will first be reviewed by three academicians or researchers with expertise in forest rights, land law, or environmental law and policy. Besides, a pilot study will also be conducted with a sample of 30 respondents from the selected study areas. This pilot study will assess the clarity, relevance, and appropriateness of the language and the structure of questions. Based on the feedback received from the subject experts and the findings of the pilot study, necessary corrections will be made. The final version of the questionnaire will then be administered to the target respondents across the study areas.

10.Scope and Limitations

- **Scope:**

The present study will be undertaken in the State of Rajasthan. The study will focus on the status and governance of the Oran forest (sacred groves), with reference to three districts of Rajasthan, viz Barmer, Jaisalmer, and Pali. It aims to analyze the legal framework related to the Oran land, particularly the forest laws and policies of both the Central Government and the Government of Rajasthan, to examine their implementation, effectiveness in protecting sacred groves and safeguarding community rights. Additionally, the present study will analyze relevant judicial decisions that pertain to the protection of forests and the rights of forest-dependent communities, especially in the context of the Oran forest.

- **Limitations:**

I. The study is confined only to the Oran land in the three districts of Rajasthan. It does not represent the status of the Oran land across the entire State or other regions of India.

II. The study is also limited exclusively to Oran lands and does not cover other categories of common property resources. These categories of land are not covered in the present study.

III. Also, the sample size for the present study is small, chosen based on a convenience sampling method, which may introduce bias and limit the generalizability of the findings.

11. Expected Outcomes

I. Identification of gaps and ambiguities in laws and judicial decisions concerning Oran conservation.

II. Empirical insights into how local communities perceive and practice Oran conservation and the challenges they face.

III. Enrichment of environmental law and governance literature with a Rajasthan-specific case study

IV. Suggestions to strengthen the legal framework to protect Oran more efficiently and effectively.

12. Two –Year Timeline: Phase-wise plan

Work Plan for the Research

S. No.	Phases	Months	Targets
1.	1	1-6 months	Conduct a comprehensive Literature Review (national and international), ascertain gaps, and finalise chapter headings and plan writing chapters
2.	2	7-12 months	Visits to revenue officers, forest offices, other government departments and survey areas to gain preliminary ideas and information about the status of Oran protection. Study the secondary data: customary laws, statutory laws, constitutional laws, environmental laws, and other related laws to find out or ascertain

			inconsistencies, complexities, and ambiguities in them
3.	3	13-15 months	Preparation of data collection tools and their testing/ identification of legal issues. Preparing RTI application in structured forms to get information
4.	4	16-20 months	Complete Data collection/analysis of the issues to search the law. Secondary data will be analysed to draw patterns and inferences related to Oran
5.	5	21-24 months	Arranging the data collected. Feeding data in Excel after decoding of data. interpretation, and final editing and proofing of the thesis.

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